

### **REMARKS**

Previously, claims 1-13 were pending in this continuation application. After the applicant has reviewed the office action, the claims have been amended. In this office action, claims 1-5, 11 are amended and claims 6-10, 12, 13 are withdrawn.

In response to the examiner's comments in the office action, first, the applicant elects further prosecution of Species 1, shown by Figs. 1-4, and by claims 1-5, 11. The remaining claims 6-10, 12, 13 are withdrawn because they are not elected for further prosecution.

Second, the present invention is a collapsible container that has a single piece of fabric material locating upon a continuous single piece framework. The framework is a resilient material, such as spring steel, that supplies a tensile force that holds the container open and expanded when unfolded and snug and compact when folded. The continuous framework expands to the edges of the piece of fabric material so that a container of a desired shape is formed. Where the framework connects to the fabric, the fabric has a cowling, a generally thicker and more durable fabric, to withstand the forces imposed upon the fabric when the framework is unfolded and folded repeatedly.

Third, claims 2, 5 have been rejected for lack of subject and verb agreement. Those claims have been amended to read more clearly.

Fourth, the examiner has rejected claims 1 and 2 over the reference to U. S. Pat. No. 5,971,188 to Kellogg as anticipatory. Kellogg describes a collapsible container with four side panels connected upon their upright edges and a floor panel connected to the contiguous lateral edges of the side panels. Each side panel has its own frame upon the entire perimeter, see col. 3 line 55 and FIG. 4. Each frame is contained within a pocket formed by edging. The container also has a pair of opposed handles extending above it.

In contrast, the present invention is a collapsible container formed of a single continuous framework placed within a single piece of fabric material. The framework corresponds to the edges formed into the fabric. However, the

framework does not extend across two top edges and two perpendicular bottom edges of the fabric. The fabric, held in tension by the framework, forms its own edges in those four locations. The single framework also forms each corner of the container unlike Kellogg which has corners formed by frames connected with a band like separator. The single framework and single piece of fabric of the present invention differs from the multiple frames and multiple panels container of Kellogg.

Fifth, the examiner has rejected claims 3 and 4 again over Kellogg. Kellogg discloses a frame of spring steel or plastic and a web of nylon. Thus, claims 3 and 4 are amended to remove the previously disclosed materials.

Sixth, claim 5 was rejected over Kellogg where figs. 31-36 show the container being collapsed into a stack of four panels, col. 6 lines 23-24. The four panels are then rotated and folded into a carrying sack of lesser dimensions than a single panel.

In contrast, Figs. 3, 4 show the present invention collapsing one side of the fabric with the framework forming a diagonal. The opposite side of the fabric is then folded upon the first side. Then the folded fabric and framework is folded upon the diagonal to attain a triangular form secured by a binder, see specification page 6 lines 11-13. Unlike Kellogg, the present invention folds, rather than stacks, its fabric and framework into a triangle.

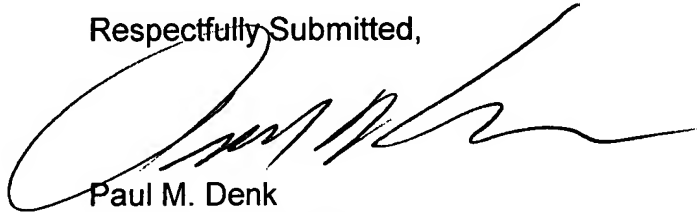
Seventh, claim 11 was also rejected over Kellogg which shows a web having perimeter edging stitched into a pocket. The complete frame for each panel of Kellogg fits within the pocket and is concealed from view. In contrast, the present invention has cowlings, generally cylindrical, upon the upper edges of the fabric through which a portion of the framework passes. The cowlings then suspend the fabric downwardly from the framework leaving the remainder of the framework visible.

This application as amended withstands the prior art as cited by the examiner, whether the prior art be applied individually, or in combination, for use either anticipating or rendering obvious the claimed subject matter of the

applicant's invention. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See the cases of *Ex parte Beuther*, 71 USPQ2 1313, (Bd. Pat. App. & Int. 2003) and *In re Geiger*, 815 F2d. 686 (Fed. Cir. 1987).

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Denk', is written over the typed name.

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